

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2013-091451

07/27/2015

HONORABLE JENNIFER RYAN-TOUHILL

CLERK OF THE COURT  
S. Blair  
Deputy

IN RE THE MATTER OF  
CHELSEA RAE MINER-DOUGLAS

JOHN W BAIN

AND

JEREMIAH COLIN DOUGLAS

HENRY ALZATE

CONCILIATION SERVICES-NE  
OFFICE OF PUBLIC DEFENSE  
SERVICES-CCC  
TASC - PHOENIX

MINUTE ENTRY

Courtroom 106 NE

9:43 a.m. This is the time set for Resolution Management Conference re: Petition to Modify Parenting Time, Legal Decision-Making and Child Support filed by Petitioner on June 29, 2015. Petitioner/Mother is present with above-named counsel. Respondent/Father is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Matters discussed.

**COURT-APPOINTED ADVISOR**

**IT IS ORDERED** appointing a court advisor to investigate the case and make recommendations to the Court. The appointment shall be fully set forth by separate minute entry.

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**THE COURT FINDS** that both parties are indigent and are unable to bear the fees and costs of the Court-Appointed Advisor.

**IT IS ORDERED** that the Office of Public Defense Services shall reimburse the fees and costs of the Court-Appointed Advisor.

**PARENTING CONFERENCE REFERRAL**

**IT IS ORDERED** the parties shall participate in a Parenting Conference. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

Parent Conferences (PCs) typically involve up to four (4) hours of direct professional services. Given the narrowed scope and level of assessment of the PC, the Provider limits the documents accepted for review and the amount of time available to family members to present their concerns. If a litigant or litigant's attorney seeks to submit any documents for consideration, the Provider may decide to consider only those documents the Provider believes relevant based on the limited scope of these conferences.

**THE COURT FINDS** that both parties are unable to afford to pay the entire Parenting Conference Fee of \$300 per party today, but are eligible to make monthly payments pursuant to a payment plan.

Therefore,

**IT IS ORDERED** that both parties shall pay their portion of the Parenting Conference Fee at a rate of \$50.00 per month to the Clerk of Court beginning thirty (30) days from the date of this minute entry.

**WARNING**

**IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE AND/OR PAY ANOTHER PARENTING CONFERENCE FEE AND/OR PAY THE FEES OF THE APPEARING PARTY. THE PARENTING CONFERENCE PROVIDER IS AUTHORIZED TO SCHEDULE THE CONFERENCE AND ACCOMMODATE REASONABLE SCHEDULING REQUESTS FROM THE PARTIES. IF YOUR SCHEDULING REQUEST IS NOT PERMITTED BY THE PROVIDER AND YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE**

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CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A WRITTEN REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE AT LEAST THREE FULL COURT DAYS IN ADVANCE OF THE CONFERENCE IN ORDER TO AVOID FEE COLLECTION.

FILED: Acknowledgement and Notice of Parenting Conference (2)

**TASC REFERRAL**

IT IS ORDERED that Father and Mother (the testing parties) shall appear at an appropriate TASC facility by 5:00 p.m. this date for a Hair Follicle Test. The Hair Follicle Test shall be for Screen B (most commonly abused 5 street drugs). The testing party is directed not to cut, dye or color his/her hair prior to submitting for the Hair Follicle Test. The result of the Hair Follicle Test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of the test result.

IT IS FURTHER ORDERED that each party shall pay the cost of said Hair Follicle Test.

IT IS FURTHER ORDERED that Father shall test for ETG/alcohol two times randomly prior to August 3, 2015. The testing party shall report to a location of TASC, Inc., the main office of which is at 2234 North 7<sup>th</sup> Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at [www.tascaz.org](http://www.tascaz.org).

IT IS FURTHER ORDERED as follows:

- The testing party shall present to TASC the Court Ordered Substance Abuse Testing form issued by this Court, and shall provide all information necessary for its completion.
- The testing party shall provide such samples as are reasonably required by TASC to comply with this Order.
- The testing party shall sign, execute and deliver such forms of consent and authorization as shall be reasonably required by TASC to comply with this Order.
- The results of said testing shall be reported directly to this Court in writing by TASC, with copies provided directly to the parties (or their counsel, if represented).

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- The testing party shall report for subsequent testing as directed by TASC, and shall present a photo I.D. at time of testing, along with any prescription medications currently being taken.
- Mother shall pay for Father's testing IN MONEY ORDER OR CASHIER'S CHECK.

All parties are advised that the failure, neglect or refusal to participate in testing may be considered an admission by the party that the testing, if conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interests of the minor child(ren). Failure to submit to a drug test, absent good cause shown, may result in a finding of Contempt of Court, incarceration in the Maricopa County Jail, issuance of a Civil Arrest Warrant or other sanctions by the Court.

The parties are also advised that a diluted test specimen may be considered an attempt to conceal the presence of illicit drugs, which finding is contrary to the best interests of the minor child(ren).

ISSUED: Court Ordered Substance Abuse Testing

**TEMPORARY ORDERS HEARING SET**

**IT IS ORDERED** setting a Temporary Orders Hearing re: Petitioner's Motion for Temporary Orders re: Legal Decision Making, Parenting Time and Child Support without Notice filed on June 29, 2015, on **August 3, 2015, 3:30 p.m. (1 hour allotted)** in this Division before:

Maricopa County Superior Court  
Northeast Regional Court Center  
18380 North 40<sup>th</sup> Street  
Courtroom 106  
Phoenix, Arizona 85032

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the

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hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS FURTHER ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than five (5) days prior to the hearing.

**IT IS FURTHER ORDERED** that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances;
2. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines;
3. If there are disputed legal decision-making, access or parenting time issues, a specific proposal for legal decision-making and parenting time by each party.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), *Arizona Rules of Family Law Procedure*, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** that, if either party has exhibits to be marked, said exhibits shall be provided to the Clerk of this Division **at least five (5) business days prior to trial.** Exhibits submitted less than five (5) business days prior to the hearing may not be marked. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet, and hand-delivered directly to a division staff member to ensure that they are received by the division clerk.** Please do not fax exhibits. Please do not attach the exhibits to any other document or pleading.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of

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hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision-making, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division five (5) business days before the scheduled hearing.

**TELEPHONIC STATUS CONFERENCE SET**

**IT IS ORDERED** setting a telephonic Status Conference in this matter on **September 24, 2015, at 9:30 a.m. (15 minutes allotted)** in this Division. The Court will initiate the call.

9:55 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.